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PUBLIC UTILITIES IN MUNICIPALITIES

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PUBLIC UTILITIES IN MUNICIPALITIES.

Senate Constitutional Amendment 53 amending section 19 of article XI of constitution.

Authorizes any municipal corporation to acquire and operate public utilities; to grant franchises to operate same under regulations prescribed by its organic law or otherwise by law; but eliminates from present section provisions authorizing municipal government to regulate charges for services under such franchises; and authorizes municipal corporation to furnish the product or service of public utility operated by it to users beyond its limits, to other municipalities, and to inhabitants thereof without consent of such municipalities.

Senate Constitutional Amendment No. 53—A resolution proposing to the people of the State of California an amendment to section nineteen of article XI of the Constitution of the State of California, relating to the operation of public utilities by municipal corporations.

The legislature of the State of California, at its regular session commencing on the sixth day of January, 1913, two thirds of the members elected to each of the two houses of said legislature voting in favor thereof, hereby proposes that section 19 of article XI of the Constitution of the State of California be amended to read as follows:

PROPOSED LAW.

Section 19. Any municipal corporation shall have power to acquire by purchase, lease, condemnation or otherwise, in whole or in part, or to construct, and to own, maintain, equip and operate public utilities; and to grant franchises to persons, firms or private corporations to establish, equip, maintain and operate public utilities, upon such conditions and under such regulations as may be prescribed under the organic law of such municipality or otherwise by law. Any municipal corporation may furnish the product or service of any public utility conducted or operated by it to other municipal corporations and the inhabitants thereof, and to consumers and users outside of its limits.

Section 19, article XI, proposed to be amended, now reads as follows:

EXISTING LAW.

Section 19. Any municipal corporation may establish and operate public works for supplying its inhabitants with light, water, power, heat, transportation, telephone service or other means of communication. Such works may be acquired

by original construction or by the purchase of existing works, including their franchises, or both. Persons or corporations may establish and operate works for supplying the inhabitants with such services upon such conditions and under such regulations as the municipality may prescribe under its organic law, on condition that the municipal government shall have the right to regulate the charges thereof. A municipal corporation may furnish such services to inhabitants outside its boundaries; provided, that it shall not furnish any service to the inhabitants of any other municipality owning or operating works supplying the same service to such inhabitants, without the consent of such other municipality, expressed by ordinance.

ARGUMENT IN FAVOR OF SENATE CONSTITUTIONAL AMENDMENT NO. 53.

This amendment to article XI of the state constitution simply enlarges the powers of municipal corporations respecting their ownership of public utilities. This amendment extends their powers, permitting them to acquire any public utility or service instead of limiting the right to acquire a few specified kinds of service. Under the proposed amendment, municipalities can acquire, by original construction, purchase, lease or condemnation, works or plants supplying water, gas, electricity, heat, illumination, power, refrigeration, with transportation, telephone service, or any other public utility.

The old section was too limited in its powers, and therefore should be broadened, which the proposed amendment contemplates.

A. H. BARNES,
State Senator Fifteenth District.

TAXATION OF PUBLIC PROPERTY.

Assembly Constitutional Amendment 6 amending section 1 of article XIII of constitution.

Present section unchanged but proviso added declaring taxable all lands and improvements thereon owned beyond its limits by a county or municipal corporation, if taxable at the time acquired by it; exempting improvements constructed by such owner upon any of its lands; and declaring all such taxable property assessable by assessor of county or municipal corporation where situated, subject to review and adjustment by state board of equalization.

Assembly Constitutional Amendment No. 6, a resolution to propose to the people of the State of California an amendment of the constitution of the state by amending section one of article thirteen thereof relating to revenue and taxation.

The legislature of the State of California at its fortieth regular session, commencing on the sixth day of January, nineteen hundred thirteen, two thirds of all the members elected to each of the houses of said legislature voting in favor thereof, hereby proposes to the qualified electors of the State of California that section one of article thirteen of the Constitution of the State of California be amended to read as follows:

PROPOSED LAW.

Section 1. All property in the state except as otherwise in this constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascer-

tained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; provided, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; and further provided, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this state, or to any county, city and county, or municipal corporation within this state shall be exempt from taxation, except such lands and the improvements thereon located outside of the county, city and county or munic-